

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CASE NO. 03-12372 NMG

BARBARA TORRISI)
 Plaintiff,)
)
V.)
)
METROPOLITAN LIFE)
INSURANCE COMPANY)
 Defendant.)

JOINT STATEMENT

Pursuant to the Court's July 8, 2004 Notice of Scheduling Conference and Local Rule 16.1, the parties submit the following joint statement.

I. Joint Discovery Plan

It is the parties' position that automatic disclosures are not required in this case, because this case is in the nature of "an action for review on an administrative record," which is exempt from initial disclosure requirements. See Fed. R. Civ. P. 26(a)(1)(E)(i). On or before October 1, 2004, Metropolitan Life Insurance Company will produce to the plaintiff a copy of its claim file and the applicable plan document. Each party shall also have the right to serve on the other party on or before October 15, 2004, a request for production of documents, the responses to which will conform to Fed.R.Civ.P. 34. If any

party seeks additional discovery or an evidentiary hearing, it must file a motion for such on or before December 1, 2004.

II. Proposed Motion Schedule

The parties propose to file cross-motions for summary judgment. Both parties will file their respective summary judgment motions on or before January 14, 2005, and their oppositions to the other's motion or before February 4, 2005. If it appears that any motion for discovery or for an evidentiary hearing will remain undecided as of January 14, 2005, either party may move for an appropriate adjustment to this schedule for filing motions.

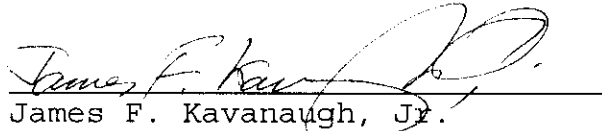
III. Additional Matters


1. The required certifications are attached hereto or will be filed under separate cover.

2. The parties do not consent to trial by a Magistrate Judge.

METROPOLITAN LIFE INSURANCE
COMPANY
By its attorneys,

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By her attorney,


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Dated: September 13, 2004

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